

United States District Court

EASTERN DISTRICT OF OKLAHOMA

FILED**OCT 24 2018****UNITED STATES OF AMERICA,***Plaintiff,***v.****DARRYL EMANUEL BICKHAM, JR.,***Defendant.***CRIMINAL COMPLAINT**By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

Case No.

18-MJ-114 -SPS

I, Eric Booker, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

FELON IN POSSESSION OF FIREARM & AMMUNITION

[18 U.S.C. §§ 922(g)(1) & 924(a)(2)]

On or about August 15, 2018, within the Eastern District of Oklahoma, the defendant, **DARRYL EMANUEL BICKHAM, JR.**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm and ammunition, to-wit:


- one Sturm, Ruger & Co., Inc. Model Ruger P85, 9mm x 19 caliber pistol, serial number 300-20543;
- five (5) rounds Blazer brand 9mm Luger caliber ammunition;
- nine (9) rounds of Tulammo brand 9mm Luger caliber ammunition;
- twenty-four (24) rounds of Tulammo brand 9mm Luger caliber ammunition;
- four (4) rounds of Federal brand .38 Special caliber ammunition,

which had been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

(See attached Affidavit of Eric Booker, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.


ERIC BOOKER, SPECIAL AGENT
ATF
Complainant


Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: October 24, 2018

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer


Signature of Judicial Officer


10/24/18

AFFIDAVIT

I, Eric J. Booker, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) within the meaning of 18 U.S.C. § 3051, and as such, am an officer of the United States who is authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States. Since June 4, 2001, I have investigated numerous violations of the federal firearms and narcotics laws, and know that the following is a violation of these laws:

18 U.S.C. § 922(g)(1) - It shall be unlawful for any person - who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

2. This affidavit contains only the information that I believe is necessary to support probable cause for this application. It is not intended to include every fact known to me or known by law enforcement. The information provided is based on my personal knowledge and observation during the course of this investigation, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the investigation.

3. On August 15, 2018, at approximately 8:15pm, Officers Donoley and Sutterfield with the McAlester Police Department initiated a traffic stop on a vehicle near B Street and Comanche for having a headlight out. The vehicle turned north on C Street and traveled a short distance before coming to a stop. Officers made contact with the driver identified as Lindsey Womack and a front seat passenger identified as Darryl Bickham Jr. There was a juvenile

female passenger in the backseat identified as the daughter of Lindsey Womack. Officer Donoley advised Womack why she had been stopped, and gathered her and Bickham's identifiers to run through dispatch to verify her license status and to check for outstanding warrants. While Officer Donoley was doing this, Officer Sutterfield spoke with Bickham at the passenger window. Bickham was upset and stated that every time Officer Sutterfield stopped him that he went to jail. Officer Sutterfield noticed a Crown Royal bag near the gear shifter and asked Bickham what was in it. Bickham replied nothing illegal just some bullets and jewelry. Officer Sutterfield noticed Bickham attempting to conceal a pipe and had him hand it to him. Officer Donoley then approached and stated that Bickham had an outstanding arrest warrant through the City of McAlester. Bickham was asked to exit the vehicle, and as he did, he removed some money from his pants pocket and threw an object towards the center console. Once Bickham was standing up Officer Donoley noticed several rounds of ammunition in the seat. Officers cuffed Bickham then located a plastic bag of suspected methamphetamine on the center console. Officer Donoley asked Bickham where the firearm was due to the ammunition located in the front seat. Bickham stated that he had thrown the firearm out of the car prior to the traffic stop. During a search of the vehicle, Officer Donoley located a Ruger, Model P85, 9mm, semi-automatic pistol, bearing serial number 300-20543 loaded with 14 rounds of ammunition. The firearm was located inside the passenger door, as the door did not have a panel on it. Officers also located an additional 24 rounds of 9mm ammunition and 4 rounds of .38 special ammunition in the front passenger seat and on the dash. Officers spoke with Lindsey Womack who stated that Bickham placed the narcotics on the center console when he was being removed from the vehicle. She also stated that the firearm did not belong to her and that she had not seen the firearm prior to it being removed from the car door. Officer Donoley weighed the suspected

methamphetamine and received a result of 9 grams. He also field-tested the substance with a positive result for methamphetamine. Bickham was transported to the Pittsburg County Jail and booked in on charges of Possession of CDS, Possession of Paraphernalia, Possession of CDS without a Tax Stamp, Possession of a Firearm AFCF, and Possession of a Firearm in Commission of a Felony.

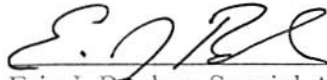
4. On October 3, 2018, I took custody of the firearm and ammunition listed in the above paragraph from the McAlester Police Department. On October 5, 2018, ATF Special Agent Darrell Withem, who is certified as a Nexus expert, examined the firearm and ammunition. It is the opinion of Special Agent Withem that the listed firearm and ammunition were not manufactured in Oklahoma, and must have traveled in interstate commerce to be recovered in the State of Oklahoma.

6. A review of records found on the Oklahoma Department of Corrections website and a review of an Oklahoma Department of Corrections Penitentiary Packet shows the following convictions for Darryl Bickham Jr., Oklahoma Department of Corrections inmate Number 520278.

- CF-2005-368 Pittsburg County – Possession of Controlled Substance - Ten Years Oklahoma Department of Corrections.
- CF-2005-456 Pittsburg County – Possession of a Firearm AFCF – Ten Years Oklahoma Department of Corrections.
- CF-2005-460 Pittsburg County – Ct. 1 Domestic Abuse - Assault and Battery Ct.2 Domestic Abuse – Assault and Battery – Four Years Oklahoma Department of Corrections.

- CF-20007-122 Pittsburg County – Domestic Abuse - Assault and Battery – Ten Years Oklahoma Department of Corrections.
- CF-2007-283 Pittsburg County – Ct.2. Possession of a Controlled Substance – Ten Years Oklahoma Department of Corrections.
- CF-2013-102 Pittsburg County – Domestic Assault and Battery – Four Years Oklahoma Department of Corrections.
- CF-2013-590 Pittsburg County – Domestic Abuse - Assault and Battery – Ten Years Oklahoma Department of Corrections.
- CF-2014-499 Pittsburg County – Ct 2. Domestic Abuse - Assault and Battery – Ten Years Oklahoma Department of Corrections.
- CF-2015-42 Hughes County – Ct 1. Domestic Assault and Battery by Strangulation – Seven Years Oklahoma Department of Corrections.

7. Based on the aforementioned facts and circumstances, I believe that probable cause exists that in the Eastern Judicial District of Oklahoma, in Pittsburg County, Oklahoma, Darryl Bickham Jr., a previously convicted felon, possessed a firearm and ammunition that had previously traveled in interstate commerce in violation of 18 U.S.C. §§ 922(g)(1).


Eric J. Booker, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn and subscribed to before me this 24th day of October 2018.


STEVEN P. SHREDER
United States Magistrate Judge